

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSEPH TORRES,

Applicant,

v.

No. CV 08-1202 WJ/LAM

GEORGE TAPIA, et al.,

Respondents.

**ORDER DENYING APPLICANT'S THIRD MOTION FOR APPOINTMENT OF
COUNSEL**

THIS MATTER is before the Court on Applicant's *Motion [for] Appointment of Counsel* (Doc. 21), filed on August 27, 2009. The Court has denied two previous motions for appointment of counsel filed by Applicant in this case finding that Applicant appears to understand the issues in the case and appears to be representing himself in an intelligent and capable manner. See *Order Denying Petition for Appointment of Counsel* (Doc. 8) at 1-2, and *Order Denying Applicant's Petition for Appointment of Counsel* (Doc. 14) (Doc. 16) at 1. In his *Motion [for] Appointment of Counsel* (Doc. 21) at 1-2, Applicant relies on the constitutional right to appointment of counsel for criminal proceedings, and states that appointment of counsel would assist him in bringing his ineffective assistance of counsel claims in his civil habeas corpus proceeding.

There is no constitutional right to court-appointed counsel in a civil case. *Johnson v. Johnson*, 466 F.3d 1213, 1217 (10th Cir. 2006) (citation omitted). The Court again considered "the merits of the litigant's claims, the nature of the factual issues raised in the claims, the litigant's ability to present his claims, and the complexity of the legal issues raised by the claims." *Rucks v. Boergermann*, 57 F.3d 978, 979 (10th Cir. 1995) (quoting *Williams v. Meese*, 926 F.2d 994, 996

(10th Cir. 1991)). This case does not appear to raise complex or novel issues of law that might justify the appointment of counsel. Moreover, Applicant continues to appear to understand the issues in the case and to be representing himself in an intelligent and capable manner. Therefore, his *Motion [for] Appointment of Counsel* (Doc. 21) will be **DENIED** at this time.

IT IS THEREFORE ORDERED that Applicant's *Motion [for] Appointment of Counsel* (Doc. 21) is **DENIED** at this time.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
United States Magistrate Judge